

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30389 of 2024

Arising Out of PS. Case No.-758 Year-2023 Thana- BIDUPUR District- Vaishali

Rahul Kumar S/o Prem Kumar Pandit R/o Village- Chaksikandar, P.S.-
Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar, Adv.

For the Opposite Party/s : Mr.Kanhiya Kishor, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 24-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bidupur P.S. Case No. 758 of 2023 instituted for the offences
under Section 380 of the Indian Penal Code and later on added
Section 411 of the Indian Penal Code.

3. The prosecution case, in short, is that in the
intervening night of 25.12.2023 & 26.12.2023, when the
Informant was at his Sasural, cash amounting Rs. 3,80,000/- and
jewellery worth Rs. 9,00,000/- was stolen from his Godrej
Almirah, Diwan and Trunk in the house.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence as



alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has sprung in this case on the basis of the confessional statement of co-accused Srikant Kumar. Nothing incriminating has been recovered from the physical and conscious possession of the petitioner. Nothing has come against the petitioner except the confessional statement of the other co-accused. There is previous enmity of the petitioner with the co-accused Srikant Kumar who has taken the name of the petitioner in his confessional statement. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 19.01.2024 and the charge-sheet after investigation has been submitted in this case. Learned counsel for the petitioner further submits that the co-accused namely Anil Kumar has already been granted bail by this Court vide order dated 20.04.2024 passed in Cr. Misc. No. 29546 of 2024.

5. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation made against the petitioner is serious in nature. He further submits that the petitioner has been named in the confessional statement of the co-accused



Srikant Kumar and jewelry has been recovered on the identification of the co-accused and after confession. The Informant in his re-statement and other witnesses have also supported the prosecution case and, thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bidupur P.S. Case No. 758 of 2023.

(Rudra Prakash Mishra, J)

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